

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RODNEY COLLINS	:	CIVIL ACTION
	:	
vs.	:	
	:	
RONALD McCOY	:	NO. 05-6305

MEMORANDUM

ROBERT F. KELLY, Sr. J.

AUGUST 9, 2006

Presently before the Court is Plaintiff's second motion to strike Defendant's answer to the Complaint. Plaintiff's Complaint was served via waiver, with an answer due on March 6, 2006. An answer was not filed until May 25, 2006 (Doc. No. 12). Prior to that date Plaintiff had filed a motion for default judgment (Doc. No. 10). On June 7, 2006 Defendant opposed Plaintiff's motion for default (Doc. No. 15). On June 14, 2006 Plaintiff filed a motion to strike/quash Defendant's answer (Doc. No. 17). Defendant filed a response in opposition (Doc. No. 18) and on June 20, 2006 we entered an Order denying Plaintiff's motion to strike (Doc. No. 20).

The present motion to strike (Doc. No. 23) appears to be the same as the previous motion that we have already denied. We will treat it as a motion for reconsideration. A motion for reconsideration is appropriate only where: (1) there has been an intervening change in controlling law; (2) new evidence is available; or (3) there is need to correct a clear error of law or prevent manifest injustice. N. River Ins. Co. v. Cigna Reinsurance Co., 52 F.3d 1194, 1218 (3d Cir. 1995). However, such motions should only be granted sparingly. Armstrong v. Reisman, No. 99-4188, 2000 WL 288243 at *2 (E.D. Pa. Mar. 7, 2000).

Plaintiff's motion does not satisfy any of the requirements set forth above and we will therefore deny it.

We therefore enter the following Order.

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ORDER

AND NOW, this 9th day of August, 2006, it is hereby **ORDERED** that Plaintiff's motion to strike Defendant's pleadings for failure to comply with Rules of Civil Procedure (Doc. No. 23) is hereby **DENIED**.

BY THE COURT:

/s/ Robert F. Kelly
ROBERT F. KELLY
SENIOR JUDGE